

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL MALDONADO,

Petitioner,

-against-

NEW YORK STATE PAROLE COMMUNITY
SUPERVISION,

Respondent.

22-CV-4839 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is proceeding *pro se*, brings this petition for a writ of *habeas corpus*. To proceed with a petition for a writ of *habeas corpus* in this court, a petitioner must either pay the \$5.00 filing fee or, to request authorization to proceed *in forma pauperis* (IFP), submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915. Petitioner submitted the petition without the filing fee or an IFP application.¹

By order dated June 10, 2022, the Court directed Petitioner to either pay the \$5.00 filing fee or submit an IFP application. (ECF 7.) A copy of that order was mailed to Petitioner at Rikers Island, his address of record, and it was not returned to the court. On August 8, 2022, Petitioner filed a motion to appoint counsel and “for update on court transfer case FL. to NYC.” (ECF 8.) That submission shows that Petitioner’s address has changed, and he may not have received the June 10, 2022 order. (ECF 8.) The Court has directed the Clerk of Court to update the docket to reflect Petitioner’s new address.

¹ Petitioner filed this petition in the United States District Court for the Northern District of Florida. In the order transferring the matter here, that court noted that Petitioner did not pay the fee or submit an IFP application. *See Maldonado v. New York State Parole Community Supervision*, No. 22-CV-162 (S.D. Fla. June 6, 2022).

Within thirty days of the date of this order, Petitioner must either pay the \$5.00 filing fee or complete and submit the attached IFP application. If Petitioner submits the IFP application, it should be labeled with docket number 22-CV-4839 (LTS). If the Court grants the IFP application, Petitioner will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

No answer shall be required at this time. If Petitioner complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Petitioner fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: August 22, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge